

1 Charles P. Maher, State Bar No. 124748
LUCE, FORWARD, HAMILTON & SCRIPPS LLP
2 Rincon Center II, 121 Spear Street, Suite 200
San Francisco, California 94105-1582
3 Telephone No.: 415.356.4600
Fax No.: 415.356.4610
4 E-mail: cmaher@luce.com

5
6 Counsel for Timothy W. Hoffman
Trustee in Bankruptcy

7
8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SANTA ROSA DIVISION

11 In re GERARD Q. DECKER, IV aka ROD
12 DECKER,

Case No. 09-10655 AJ
Chapter 7

13 Debtor.
14

15 **MOTION FOR ORDER AUTHORIZING SALE OF NON-EXEMPT EQUITY IN BOAT**

16 Timothy W. Hoffman, Trustee in Bankruptcy of the estate of the above Debtor, hereby
17 moves the Court for an order authorizing him to enter into an agreement with the Debtor regarding
18 the disposition of a 33-foot Sea Ray power boat. Under the terms of the agreement, the Trustee
19 will accept \$10,000 cash from the Debtor in full and complete satisfaction of the estate's interest
20 in the power boat.

21 As part of the agreement, the Trustee will be paying the expenses of his auctioneer in the
22 amount of \$1,285.31.

23 On March 5, 2010, the Trustee served notice of his intent to sell the boat at auction. The
24 Debtor objected to the sale but his objection was overruled by the Court. Because the Debtor had
25 interfered with the Trustee's sale of the boat, the Trustee brought a motion before the Court for an
26 order authorizing the Trustee to "surcharge" the Debtor's exemption to compensate the estate for
27 certain expenses. The motion was heard on April 30, 2010, and denied without prejudice.
28

1 As a means of resolving disposition of the boat in its entirety, the Debtor has offered to pay
2 the estate the sum of \$10,000 cash. He will not assert any exemption in the cash payment.

3 The lack of success in selling so far the boat at a price that would generate sufficient non-
4 exempt proceeds for the estate (assuming that the Trustee would not prevail on a renewed
5 surcharge motion) has made the Trustee conclude that the Debtor's offer is in the best interest of
6 the estate.

7 WHEREFORE the Trustee moves the Court for an order authorizing the agreement
8 described in his May 11, 2010, notice to creditors.

9
10 DATED: May 11, 2010

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

11
12 By: 

13 Charles P. Maher
14 Counsel for Timothy W. Hoffman, Trustee

15 301172153.1
16
17
18
19
20
21
22
23
24
25
26
27
28